

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

JOE ADAM RAMIREZ	§	
VS.	§	CIVIL ACTION NO. 1:06-CV-842
ROMANO DELCORE, ET AL.	§	

MEMORANDUM OPINION REGARDING TRANSFER

Rodolfo McGraw, a prisoner proceeding *pro se*, filed this civil action on behalf of Joe Adam Ramirez. The plaintiff seeks copies of medical records from his 1992 incarceration in Nueces County, Texas.

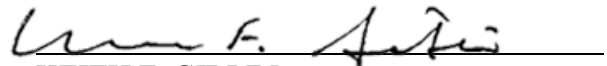
Discussion

The Civil Rights Act, 42 U.S.C. § 1981, *et seq.*, under which this case is brought, does not contain a specific venue provision. Accordingly, venue in civil rights cases is controlled by 28 U.S.C. § 1391. *Jones v. Bailey*, 58 F.R.D. 453 (N.D. Ga. 1972); *aff'd per curiam*, 480 F.2d 805 (5th Cir. 1973).

When, as in this case, jurisdiction is not founded solely on diversity of citizenship, Section 1391 provides that venue is proper only in the judicial district where the defendants reside or in which the claim arose. However, under 28 U.S.C. § 1404(a), for the convenience of parties and witnesses and in the interest of justice, a district court may transfer any civil action to any other district or division where it could have been brought. Such a transfer may be done *sua sponte* and is reviewable only for an abuse of discretion. *Mills v. Beech Aircraft Corp.*, 886 F.2d 758, 761 (5th Cir. 1989).

Plaintiff seeks records from his incarceration in Nueces County, which is located in the Corpus Christi Division of the United States District Court for the Southern District of Texas. The court has considered the circumstances and has determined that the interest of justice would best be served if the complaint were transferred to the district in which the claims arose. Therefore, the case should be transferred to the Southern District of Texas. An order so providing will be entered by the undersigned.

SIGNED this 3 day of January, 2007.

A handwritten signature in black ink, appearing to read "Keith F. Giblin", is written over a horizontal line.

KEITH F. GIBLIN
UNITED STATES MAGISTRATE JUDGE